

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 20, 2012

The Marlboro Township Council held its regularly scheduled meeting on September 20, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Marder, Councilwoman Mazzola, Council Vice President Metzger and Council President Cantor.

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

The following Resolution #2012-326/Ordinance #2012-23 (Amending Chapter 177 - Firearms) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-326

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2012-23

AN ORDINANCE AMENDING CHAPTER 177 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO ENTITLED  
"FIREARMS" SECTION 177-2 "NON-APPLICABILITY"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 4, 2012 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-23

AN ORDINANCE AMENDING CHAPTER 177 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO ENTITLED  
"FIREARMS" SECTION 177-2 "NON-APPLICABILITY"

BE IT ORDAINED, by the Township Council of the Township of Marlboro that Chapter 177 of the Code of the Township of Marlboro entitled "Firearms" Section 177-2 "Non-Applicability is hereby amended as follows:

§ 177-2. Nonapplicability.

Section 177-1 of this chapter shall not be applicable to:

C. The owner or lessee of a tract of land in excess of twenty-five (25) acres, while on said tract, provided that said owners or lessees comply with all provisions of Title 23, Fish and Game, Wild Birds and Animals, of the New Jersey Revised Statutes, as amended, including but not limited to N.J.S.A. 23:4-16 and further provided that no firearms shall be discharged within one thousand five hundred (1500) feet of any residential property line.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2012-327 (Authorizing Submission of 2012 Best Practices Survey) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-327

WHEREAS, the Township of Marlboro has received and completed the "2012 Best Practices Inventory" sent out on August 27, 2012 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 42 out of a possible 50; and

WHEREAS, the high percentage of positive responses on the 2012 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last three years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby acknowledges review of the 2012 Best Practices Inventory and hereby authorizes the Township Municipal Clerk to complete the required certification and send such to the State of New Jersey.

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2012-329 (Chapter 159 - Item of Revenue - "Drive Sober or Get Pulled Over"), Res. 2012-330 (Award of State Contract - Dell), Res. #2012-331 (Award of State Contract - Tractor Parts & Repairs), Res. #2012-332 (Award of Bid - Uniforms for PD), Res. #2012-333 (Overpayments of 2012 Taxes), Res. #2012-334 Redemption Tax Sale Certs - Various), Res. #2012-335 (Authorize Water Installment Payment Agreement - Kleinstein), Res. #2012-336 (Authorize Water Installment Payment Agreement - Sharnov).

RESOLUTION # 2012-329

RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2012 in the sum of \$4,400.00, which has been received by the municipality for the "2012 Drive Sober or get Pulled Over" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$4,400.00 be hereby appropriated under the caption "2012 Drive Sober or get Pulled Over" Grant.

RESOLUTION # 2012-330

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #70256  
TO DELL MARKETING L.P. FOR THE PURCHASE OF COMPUTERS  
FOR THE TOWNSHIP OF MARLBORO BUILDING DEPARTMENT

WHEREAS, the Township of Marlboro Building Department is in need of two (2) new computers; and

WHEREAS, the Marlboro Building Department has recommended that the Township purchase the computers from Dell Marketing L.P., One Dell Way, RR8 - Box 8724, Round Rock, Texas 78682 under State Contract #70256 in an amount not to exceed \$2,552.18; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Building Department to obtain the computers from Dell Marketing L.P.; and

WHEREAS, funds are available in Account T-23-56-850-297 for an amount not to exceed \$2,552.18 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said computers;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the computers from Dell Marketing L.P., One Dell Way, RR8 - Box 8724, Round Rock, Texas 78682 under State Contract #70256 in an amount not to exceed \$2,552.18; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Dell Marketing, L.P.
- b. Township Administration
- c. Township Building Department
- d. Township Chief Financial Officer

RESOLUTION # 2012-331

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT TO  
STORR TRACTOR FOR PURCHASE OF LAWN AND GROUNDS  
EQUIPMENT PARTS FOR THE DEPARTMENT OF PUBLIC  
WORKS DIVISION OF GROUNDS MAINTENANCE

WHEREAS, the Township of Marlboro Department of Public Works Division of Grounds Maintenance is in need of LAWN AND GROUNDS EQUIPMENT PARTS in order to maintain the Township lawn and grounds maintenance equipment; and

WHEREAS, the Division of Grounds Maintenance has recommended that the Township purchase LAWN AND GROUNDS EQUIPMENT PARTS from Storr Tractor Company whose address is 3191 Route 22, Branchburg, NJ 08876 under State contract #76921; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain LAWN AND GROUNDS EQUIPMENT PARTS from Storr Tractor Company under State contract #76921 in order to maintain the Township lawn and grounds maintenance equipment; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in Accounts 2-01-120-252 and 2-01-123-251 in an amount not to exceed \$22,000.00 for this purpose; and

WHEREAS, the Township Council desires to approve the purchase of said LAWN AND GROUNDS EQUIPMENT PARTS;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase LAWN AND GROUNDS EQUIPMENT PARTS Storr Tractor Company whose address is 3191 Route 22, Branchburg,

NJ 08876 under State contract #76921 in an amount not to exceed \$22,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Administration
- b. Township Director of Public Works
- c. Township Chief Financial Officer

RESOLUTION # 2012-332

A RESOLUTION AWARDING CONTRACT TO ATLANTIC TACTICAL, INC.  
FOR THE PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP  
OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT, and on September 5, 2012, received four (4) bids, as follows:

Company	Location	Bid Amount
Atlantic Tactical, Inc.	New Cumberland, PA	\$ 98,529.15
Lanigan Associates, Inc.	Tinton Falls, NJ	\$ 99,876.60
Red the Uniform Tailor	Lakewood, NJ	\$ 116,409.50
This & That Uniforms	Pleasantville, NJ	\$ 146,762.00

; and

WHEREAS, following a review of the bids, as described in a memo dated September 13, 2012 from the Chief of Police, it has been determined that the submission of the apparent lowest bidder for the PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT is responsive; and

WHEREAS, the Police Department has recommended the award of contract to ATLANTIC TACTICAL, INC., the apparent lowest bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Chief of Police as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to ATLANTIC TACTICAL, INC., whose address is 763

Corporate Circle, New Cumberland, PA 17070 in an amount not to exceed \$45,000.00 for the PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT for the period of September 1, 2012 - August 31, 2013, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness a contract with ATLANTIC TACTICAL, INC., 763 Corporate Circle, New Cumberland, PA 17070 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$15,000.00 are available for the aforesaid contract in 2012 Budget Account 2-01-106-266.

BE IT FURTHER RESOLVED funds in the amount of \$30,000.00 will be made available and certified in 2013 upon adoption of the budget.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Atlantic Tactical, Inc..
- b. Township Business Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer
- e.

RESOLUTION # 2012-333

WHEREAS, the attached list in the amount of \$18,820.74 known as Schedule "A", is comprised of amounts representing overpayments for 2012 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2012 REFUND</u>
351	3	Northeastern Dev Inc C/O PAC	18,820.74
8	South Main St	P.O. Box 773	
		Farmingdale, NJ 07727-0773	

RESOLUTION # 2012-334

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 128,410.52 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 128,410.52 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-034 319 Bayview Drive	153/62.06	FNA Lien Jersey Lien 575 Route 70, 2 <sup>nd</sup> Fl. P.O. Box 1030 Brick, NJ 08723 Assessed Owner: Bornstein, Ariel & Abadou Samy	99,883.10
2012-016 19 Lloyd Road	116/21	Ridgeback Ventures P.O. Box 503 Mount Freedom, NJ 07970 Assessed Owner: Valsera, Michael H. Jr. & Valsera M.L.	1,207.63
11-90 9 Lansdale Drive	386/51	Stonefield Investment Fund I, LLC 21 Robert Pitt Dr. #202 Monsey, NY 10952 Assessed Owner: Klemas, Stephen & Robin	19,453.77
2012-111 8 Crestview Court	412-142	Clarence Smith 8279 Thouron Ave Philadelphia, PA 19150 Assessed Owner: Carlin, Mark & Elissa	1,408.96
10-85 28 Collingwood Road	346/1	Frank Festa P.O. Box 97 Scotch Plains, NJ 07076-0097 Assessed Owner: Moskowitz, Steven & Rona	1,976.52



<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-110	396/1 C0135	Actlien Holding Inc.	1,570.93
135 Tangerine Drive		10 Westminster Road	
		Rockville Centre, NY 11570	
		Assessed Owner:	
		McConney, Jeffrey & Shelly	
2012-063	195/6	Actlien Holding Inc.	1,599.45
4 Peach Tree Court		10 Westminster Road	
		Rockville Centre, NY 11570	
		Assessed Owner:	
		Eilyuk, Igor & Elizabeth	
12-086	288/14	MTAG Services CUST	1,310.16
4 Emerson Drive		ACTF II NJ, LLC	
		P.O. Box 54292	
		New Orleans, LA 70154	
		Assessed Owner:	
		Wolf, Steven & Cyndi	
		Total:	128,410.52

RESOLUTION # 2012-335

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, DARRIN & STACEY KLEINSTEIN, the owners of 56 Ottawa Road South, which is designated as Block 315, Lot 6, on the Official Tax Map of the Township of Marlboro (hereinafter

referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number C05220 and Account ID Number 17501; and

WHEREAS, Customer has an Account balance of \$1,040.87 exclusive of accrued interest), which is attributable to water service for the quarterly period ended August 31, 2012, and which is due for payment by September 30, 2012; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the

goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$808.14 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Jonathan A. Capp, Business Administrator
- b. Kelly A. Hahn, Tax Collector
- c. Darrin & Stacey Kleinstein (Customer)

RESOLUTION # 2012-336

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP  
OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT  
FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, MARIYA SHARNOV, the owner of 6 Buckthorn Court, which is designated as Block 184, Lot 8, on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number G00592 and Account ID Number 61839; and

WHEREAS, Customer has an Account balance of \$1,041.23 exclusive of accrued interest), which is attributable to water service for the quarterly period ended August 14, 2012, and which was due for payment by September 15, 2012; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$808.14 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Jonathan A. Capp, Business Administrator
- b. Kelly A. Hahn, Tax Collector
- c. Mariya Sharnov (Customer)

At 7:45PM, Councilwoman Marder moved that the meeting go into executive session for reason of contract negotiations. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session resumed at 7:50 PM.

RESOLUTION # 2012-337

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 20th day of September, 2012 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:00 PM, Council Vice President Metzger moved that the meeting be opened. This was seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2012-338/Ordinance #2012-24 (Authorizing Purchase Penksa Farm - 60 Harbor Road - Block 171, Lot 50) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-338

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2012-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY KNOWN AS PENKSA FARM, LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, FOR THE PURPOSE OF OPEN SPACE PRESERVATION AND FOR RECREATION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 4, 2012 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-24

AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY KNOWN AS PENKSA FARM, LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, FOR THE PURPOSE OF OPEN SPACE PRESERVATION AND FOR RECREATION

WHEREAS, Penksa, Dorothy M. (L.R.) ("Owner") holds the right, title and interest in and to certain real property known as Penksa Farm located at 60 Harbor Road, Marlboro, New Jersey, also known as Block 171, Lot 50 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, (the "Property"); and

WHEREAS, the Township of Marlboro ("Township") desires to acquire the Property for the public purpose of open space preservation and for recreation within the Township and is ready to enter into contract negotiations with the Owner, to purchase the Property; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Marlboro is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Marlboro has the power to acquire any real property for a public purpose through negotiated agreement; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would serve a public purpose and be to the benefit of the health and welfare of the Township's citizens for the Township to acquire the Property in order to use the same for the preservation of open space and for recreation within the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that:

1. The Mayor is hereby authorized to enter into contract negotiations for the purchase of the property known as Penksa Farm located at 60 Harbor Road, Marlboro, New Jersey, also known as Block 171, Lot 50 ("Property"), for the public purposes of open space preservation and for recreation within the Township of Marlboro from the owner, Penksa, Dorothy M. (L.R.); and

2. The Mayor and Township Clerk are hereby authorized and directed to execute and witness, any documents which may be required to effectuate the purchase and conveyance of the Property; and

3. The Township of Marlboro's Open Space and Recreation Plan is hereby amended to include the property known as Penksa Farm located at 60 Harbor Road, also known as Block 171, Lot 50 on the official tax map of the Township of Marlboro; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2012-339 (Authorize Contract CME - Phase I Environmental Site Assessment - Penksa Farm - 60 Harbor Road - Block 171, Lot 50) was introduced by reference, offered by

Councilwoman Marder, seconded by Council Vice President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca) .

RESOLUTION # 2012-339

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PREPARATION OF A PRELIMINARY ASSESSMENT/ PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT AND SURVEY IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "PENKSA FARM", LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50

WHEREAS, the Township requires a Preliminary Assessment / Phase I Environmental Site Assessment Report and Survey in connection with the acquisition of the property known as "Penksa Farm", Block 171, Lot 50 ("the Project"); and

WHEREAS, CME Associates has provided a proposal dated September 14, 2012 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$20,300.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$20,300.00 are available for this purpose from Account # C-04-11-004-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public



advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include PREPARATION OF A PRELIMINARY ASSESSMENT /PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT AND SURVEY IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "PENKSA FARM", LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50 by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$20,300.00 for such Professional Services, as further described and set forth in CME's Proposal dated September 14, 2012 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$20,300.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Chief Financial Officer

The following Resolution #2012-340 (Authorizing Contract CME - Preparation of Demolition Plan - Smith Farm) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-340

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN PREPARATION OF A DEMOLITION PLAN IN CONNECTION WITH THE ACQUISITION OF BLOCK 267, LOTS 41 and 42 IN THE TOWNSHIP OF MARLBORO, ALSO KNOWN AS THE "SMITH FARM"

WHEREAS, pursuant to Ordinance 2012-29, the Township authorized the purchase of the "Smith Farm", Block 267, Lots 41 and 42 ("parcel") in order to preserve and protect additional open space acreage; and

WHEREAS, the Township was awarded a grant of \$250,000.00 from the Monmouth County Open Space Program towards the acquisition of this parcel; and

WHEREAS, NJ Green Acres funding is available to reimburse the Township for up to 50% of the certified market value (CMV) of the parcel plus qualified soft costs; and

WHEREAS, the Township has been actively negotiating for the purchase of this parcel; and

WHEREAS, in order to comply with DEP regulations for the closure of wells and removal of tanks, and as part of the negotiations process, a demolition and closure plan for the existing structures is required; and

WHEREAS, CME Associates has provided a proposal dated September 14, 2012 (the "Proposal") for such Professional Services in connection with the Project with a not to exceed amount of \$4,000.00; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as

defined hereinabove) for the Project at a fee not to exceed \$4,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$4,000.00 are available for this purpose from Account C-04-11-004-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional planning services by way of its Township Engineer for PROFESSIONAL ENGINEERING SERVICES IN PREPARATION OF A DEMOLITION PLAN IN CONNECTION WITH THE ACQUISITION OF BLOCK 267, LOTS 41 and 42 IN THE TOWNSHIP OF MARLBORO, ALSO KNOWN AS THE "SMITH FARM" ("Professional Services"), at a fee not to exceed \$4,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated September 14, 2012 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$4,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Business Administrator
- c. Township Chief Financial Officer

At 8:05PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

MINUTES APPROVED: October 18, 2012

OFFERED BY: Marder                      AYES: 5

SECONDED BY: Mazzola                      NAYS: 0

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ALIDA MANCO,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT